

REMARKS

Claims 21-38 were presented and examined. In response to the Office Action, Claim 21 is amended, no claims are cancelled, and no claims are added. Claim 33 was previously cancelled. Claims 1-20 and 39-41 have been withdrawn from consideration. Claims 21-32 and 34-38 remain in the application. Applicants request reconsideration in view of the following remarks.

I. Claim Rejections under 35 U.S.C. §101

Claims 21-32 and 34-38 stand rejected under 35 U.S.C. §101 as not falling within one of the four statutory categories of invention.

Applicants amend independent Claim 21 to recite a computer, since the operations of computing are mentioned throughout the specification, for example, page 7, line 29; page 10, line 5; page 14, line 16. A computer is a particular machine that belongs to a statutory class. Therefore, amended Claim 21 and its dependent claims are statutory.

Thus, Claims 21-32 and 34-38 are directed to statutory subject matter. Accordingly, withdrawal of the §101 rejection to Claims 21-32 and 34-38 is requested.

II. Claim Rejections under 35 U.S.C. §103

Claims 21-32 and 34-38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Park, et al. "Efficient Use of Local Edge Histogram Descriptor", Proceedings ACM Multimedia 2000 Workshops, 11/04/00, ACM International Multimedia Conference ("Park") . in view of Won, et al. "Efficient Use of MPEG-7 Edge Histogram Descriptor", vol. 24, no. 1, February 2002 ("Won").

The Examiner recognizes that Park does not disclose the limitations of Claim 21, but relies on Won for supplying the missing elements in Park.

Applicants submit that Won is disqualified as a prior art reference. Applicants submit herewith declarations from each of the five inventors of the present application, which includes Sung-Hee Park, Soo-Jun Park, Myung-Gil Jang, Sang-Kyu Park and Chee-Sun Won. Under MPEP §716.10, when the authorship of a cited reference is an entity different from the inventorship of an application (i.e., the above-identified five inventors), an affidavit or declaration under 37 C.F.R. §1.132 may be submitted to show that the relevant portions of the

cited reference originated with or were obtained from Applicants. Applicants respectfully request the Examiner refer to MPEP 716.10 Attribution, Example 2, which states the situation wherein "the author or patentee is an entity different from applicant". Based on the declarations filed herewith, Won is Applicants' own work and, therefore, cannot be used as a prior art reference in the rejection of the pending claims.

Claims 22-32 and 34-38 depend from amended independent Claim 21. For at least the same reasons mentioned above, Won cannot be used as a prior art reference in the rejection of these dependent claims. Accordingly, withdrawal of the §103(a) rejection of Claims 21-32 and 34-38 is requested.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: July 30, 2009

By: _____

Eric S. Hyman, Reg. No. 30,139

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(310) 207-3800

CERTIFICATE OF ELECTRONIC SUBMISSION

I hereby certify that this correspondence is being submitted electronically via EFS on the date indicated below

Marilyn Bass
Marilyn Bass

July 31, 2009